

## Remarks

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

In response to the Office Action mailed November 7, 2008, (hereinafter "Office Action"), claims 49 and 62 have been amended. No claims have been cancelled and no new matter has been added. Therefore, claims 49, 50, 56, 58 and 62 are currently presented for examination, of which claims 49 and 62 are independent. Support for the instant amendments is provided throughout the as-filed Specification. In view of the foregoing amendments and following comments, allowance of all claims pending the application is respectfully requested.

In the pending Office Action, the Examiner rejected claim 62 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; rejected claims 49, 50, 58, and 62 under 35 U.S.C. § 102(e) as being anticipated by Yuyama '408 (U.S. Patent No. 5,825,408); and rejected claim 56 under 35 U.S.C. § 103(a) as being unpatentable over Yuyama '408 in view of Hamblen '289 (U.S. Patent No. 5,745,289).

Applicant traverses the § 112, § 102 and § 103 rejections for the following reasons:

### I. REJECTION UNDER 35 U.S.C. § 112.

As noted above, independent claim 62, as amended, now positively recites, *inter alia*, ***an optical system having a focal point adjusting function which comprises an optical element.***

Hence, Applicant submits that by virtue of the amendment, the rejection to claim 62 under 35 U.S.C. § 112, second paragraph, should be immediately withdrawn.

### II. REJECTIONS UNDER 35 U.S.C. § 102 & § 103.

As noted above, independent claim 49, as amended, now positively recites, *inter alia*, ***the optical system comprising no lens element that moves along an optical axis.***

These features are amply supported and described by the embodiments disclosed throughout the written description. By way of illustration only, the disclosed embodiments provide for an optical system that does not contain a lens element that moves along an optical axis. (See, Originally-Filed Specification: p. 28, lines 15 – 18).

With this said, Applicant submits that, despite the Examiner's contentions, none of the asserted references, whether taken alone or in reasonable combination, remotely suggest each and every element of claim 49 including, for example, the feature identified above. In particular, Yuyama '408 discloses a portable television receiver **100**, which has a camera section **106**. (See, Yuyama '408: FIGs. 5 and 6). However, the camera section **106** from Yuyama '408 is structurally different than the structure recited in claim 49. The Examiner acknowledged that Yuyama '408 specifically teaches that the lens of the camera section is moved along the optical axis in order to enlarge and reduce the image of the subject. (See, Office Action: p. 2; see also, Yuyama '408: col. 10, lines 33-37). This contrasts sharply from the optical system recited in claim 49, wherein the optical system comprises no lens that moves along an optical axis. As such, Yuyama '408 fails to suggest ***the optical system comprising no lens element that moves along an optical axis***, as required by claim 49.

Applicant further submits that Hamblen '289 fails to cure the deficiencies of Yuyama '408.

Thus, for at least these reasons, Applicant submits that claim 49 is clearly patentable. Also, because independent claim 62 contains patentable features similar to claim 49, claim 62 is patentable for at least the reasons presented to claim 49. And, because claims 50, 56, and 58 depend on claim 49, claims 50, 56, and 58 are patentable at least by virtue of dependency as well as for their additional recitations.

## Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully submitted,

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